

By: Homer

H.B. No. 3246

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the distribution of proceeds from the sale of certain
3 forfeited property in a criminal case.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 59.06, Code of Criminal Procedure, is
6 amended by adding Subsection (c-1) to read as follows:

7 (c-1) If a local agreement exists between the attorney
8 representing the state and a multijurisdictional drug task force,
9 the attorney representing the state may not transfer to the drug
10 task force as part of the agreement any proceeds from the sale of
11 forfeited property as described by Subsection (c) until the
12 attorney has deducted appropriate court costs under that subsection
13 and that part of the proceeds necessary to reimburse each
14 participating political subdivision for all reasonable current and
15 projected costs that relate to the confinement or legal
16 representation of the defendant whose property was forfeited. The
17 attorney representing the state shall forward proceeds deducted for
18 reimbursement under this subsection to each appropriate political
19 subdivision for deposit in the general fund of the subdivision.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.